



CITY OF CLERMONT CHARTER REVIEW COMMITTEE AGENDA
10:00 AM, Tuesday, March 26, 2019

The Charter Review Committee members are as follows: Larry Lennon, Jim Purvis, Stan Melnik, Vice-Chairman Cuqui Whitehead, and Chairman Ray SanFratello.

- 1 Approval of February 26, 2019 Charter Review Committee meeting minutes
- 2 Continue review and discussion of the City Charter
- 3 Selection of topics for the Public Hearing
- 4 Other

Adjourn

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding he/she should contact Clermont, City Clerk, 352-241-7330.

City of Clermont
Charter Review Committee
February 26, 2019

The Charter Review Committee met on Tuesday, February 26, 2019 in the Council Chambers at City Hall. Chairman SanFratello called the meeting to order at 10:00am with the following members present: Ray SanFratello, Cuqui Whitehead, Larry Lenon, Jim Purvis, and Stan Melnik. Other City officials present were: City Manager Gray, City Attorney Mantzaris, and City Clerk Howe.

Item No. 1 – Approval of February 26, 2019 Charter Review Committee Meeting Minutes

Chairman SanFratello stated the minutes from the last meeting were ready for approval and requested the members take a minute to review the minutes.

Committee Member Purvis moved to approve the February 26, 2019 Charter Review Committee meeting minutes; seconded by Committee Member Melnik. The motion passed with all members present voting aye.

Item No. 2 – Discussion of Residency Requirements

City Manager Gray stated the City Clerk's office gathered the information requested by the Committee Members at the last Committee Meeting. A spreadsheet containing the information of various cities and their regulations was provided to the Committee Members.

City Clerk Howe reviewed the differences of residency requirements amongst the listed cities.

City Manager Gray stated when looking at the differences in requirements, the population has been added so the Committee can see which cities are relative to Clermont in size.

Committee Member Whitehead expressed concerns with Clermont's past election and expressed support for a two-year residency requirement.

Committee Member Purvis proposed a minimum of a year residency at the time of qualifying.

Committee Member Lenon suggested the requirement be 18 months from the qualifying date.

Committee Member Melnik inquired about city districts. City Manager Gray replied if the City goes to districts, the candidates would have to live in the district they run for. Some cities require a residency requirement specifically for districts.

Chairman SanFratello expressed concern with requirements limiting qualified candidates from running but expressed support for acquiring public input on the matter.

City Manager Gray stated the Council gave the Committee free reign to look at the entire charter so the Committee could have complete control of the process.

Committee Member Purvis suggested consolidating the Committee's thoughts and present them to the public at the public hearing.

Chairman SanFratello reviewed the Committee's consensus to consider residency requirement from anywhere between one year to two years.

Item No. 3 – Discussion of Term and Term Limits

City Clerk Howe reviewed the differences between the length of terms amongst the listed cities. City Manager Gray clarified the cities which require four year terms are typically the larger cities. Staff's recommendation is for even terms as it works better for the election cycle and would be easier to stagger.

Committee Member Lenon expressed support for four year terms.

Committee Member Whitehead expressed support for maintaining two-year terms.

Chairman SanFratello expressed support for four year terms.

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Committee Member Purvis expressed concern with longer terms causing a higher risk of vacant seating.

Committee Member Purvis and Committee Member Whitehead expressed support for a two-year term.

City Clerk Howe stated the City has the possibility of an election every year with the City incurring a \$30,000 fee for election held on odd years.

Committee Member Lenon and Chairman SanFratello expressed support for four year terms.

Committee Member Melnik expressed support for two year terms.

Chairman SanFratello stated the proposals for two-year terms and four-year terms will be presented to the public at a public hearing before being voted on.

City Clerk Howe reviewed the differences between the term limits amongst the listed cities.

Chairman Lenon recommended to have a maximum of a two term limit if the terms are changed to four-year terms or a maximum term limit of four if the terms remain the same at a two-year term.

Committee Member Purvis expressed opposition to term limits.

Committee Member Whitehead expressed concern for a possible lack of candidates should a term limit be set.

Chairman SanFratello reviewed the Committee's proposals of a three term limit at two-year terms, a two term limit at four-year terms, and for no term limits at all.

City Manager Gray stated the question to provide at the public hearing could be whether to adopt term limits or to remain the same. Chairman SanFratello expressed agreement with City Manager Gray.

The next two items were heard together.

Item No. 4 – Discussion of Districts

Item No. 5 – Discussion of Mayor's Seat

City Clerk Howe reviewed the differences of establishing districts and the Mayor's election amongst the listed cities.

City Manager Gray reviewed the comparison chart.

Chairman SanFratello suggested three district seats and two at-large seats with the Mayor being selected by which at-large seat obtains the most votes.

City Attorney Mantzaris entered the meeting at 10:43am.

Committee Member Purvis expressed support for a rotating mayor seat.

Committee Member Whitehead expressed opposition for a rotating mayor seat.

Committee Member Melnik inquired if term limits affect the Mayor. Chairman SanFratello replied the term limits would affect the Mayor if term limits are implemented.

City Manager Gray clarified the listed city districts are not single member districts so the whole city can vote for each district however the candidates for each seat must come from the corresponding district.

Committee Member Purvis expressed concern for a risk of having no one run for certain districts.

Chairman SanFratello stated districts could motivate the districts to get involved.

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Chairman SanFratello inquired about establishing the districts. Committee Member Lenon stated the districts would have to be decided based on equal population in each district.

City Attorney Mantzaris stated the State looks at which areas of the City historically have gone unrepresented when they look at the possibility of forcibly implementing districts. However, recently there seems to be a general move towards more people getting involved with their elections and a more diverse Council. Typically, people do not start at the City Council level in order to move their way up to Congress.

Committee Member Melnik, Committee Member Whitehead and Committee Member Purvis expressed opposition to establishing districts.

Chairman SanFratello and Committee Member Lenon expressed support for establishing districts.

Chairman SanFratello suggested bringing the three to two vote for the City to not have districts to the public for their input since it is a close decision.

Committee Member Purvis suggested rotating the mayor's seat amongst the Council.

Committee Member Whitehead, Committee Member Lenon, Committee Member Melnik and Chairman SanFratello expressed opposition to a rotating mayor.

City Clerk Howe reviewed the differences of additional election fees for the listed cities. City of Clermont does not charge an additional fee on top of the one percent fee of the seats annual salary which is charged by the State.

Committee Member Purvis expressed concern of cost difference between the State fee for the Mayor seat and the Council Members seat. Chairman SanFratello replied the Mayor's higher wage offsets the higher fee charged.

City Clerk Howe reviewed the differences of a petition between the listed cities.

Chairman SanFratello suggested not addressing the matter and to leave the petition requirements for the City the same. The Committee Members agreed with Chairman SanFratello.

Item No. 6 – Discussion of Vacancies

City Clerk Howe reviewed the differences of vacancy regulations between the listed Cities and stated most of the listed cities have a similar charter timeframe compared to the City of Clermont.

Committee Member Purvis suggested changing for a vacancy to be filled by appointment if there is less than 12 months left of the vacant two-year term.

Chairman SanFratello inquired about vacancies if the committee decides to go with four-year terms. City Attorney Mantzaris stated the number could theoretically be doubled if the committee decides to go with a four-year term, but cautioned against creating a situation where the Council could be handpicking the future candidates. The Committee could add language to the effect that Council is to hold a hearing for public input where the public could state whether they want to spend the money on a special election or rather have Council select a candidate.

Item No. 7 – Selection of Public Hearing Date

Committee Member Whitehead suggested scheduling the public hearing between March and April.

City Manager Gray recommended scheduling the public hearing to occur in the evening.

Chairman SanFratello suggested April 16, 2019 at 6:30pm for the public hearing date. City Attorney Mantzaris recommended having a regular meeting with public input so the Committee can still discuss the charter should the public not show.

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City Manager Gray stated the Council Workshop for April 16, 2019 will be canceled so it will not conflict with the Committee Meeting.

Committee Member Purvis recommended for staff to have a presentation ready for the public meeting. City Manager Gray confirmed staff will make a presentation the night of the public hearing with information in regards to the City's makeup and other City information.

City Attorney Mantzaris provided a brief review of the charter sections to be discussed. A transitioning plan will need to be put in place should the Committee decide to go with changing the terms to four-year terms. The transitioning plan would have to be based on expiring seats as no existing seats can be extended.

Chairman SanFratello inquired about Ordinance language. City Attorney Mantzaris replied staff will make sure the recommendations by the Committee do not conflict with the City's Code.

Committee Member Purvis inquired about placing a limitation on the amount of times the Council can vote on compensation. City Manager Gray stated there is a stipulation on the recent adoption where the salary changes in relation to the City's population.

City Attorney Mantzaris continued reviewing charter sections. Some cities include a formal process to remove a Council Member. Chairman SanFratello stated if the Charter does not specifically address a matter, then the Council has more room to navigate the situation the way they feel is best.

Committee Member Purvis inquired about the process of removal of a Council Member upon violation of the rules and regulations. City Attorney Mantzaris stated the Council has the ability to hold a public hearing to discuss forfeiture of the office if the individual wanted to fight the decision.

Committee Member Purvis inquired about having no appeal process available and to place a timeframe for the process. City Attorney Mantzaris stated the Council has the right to make the final decision but the individuals have a right to go to court and appeal.

Committee Member Lenon inquired about requiring arbitration. City Attorney Mantzaris recommended against making that change in the Charter due to the difficulty of explaining the change to the public who will only see the matter on a ballot. However, the Committee can make the recommendation to the Council to adopt an ordinance to address the situation rather than include it in the Charter.

Chairman SanFratello expressed agreement to suggest an Ordinance to the Council to address the situation of arbitration in the event of a forced removal of a Council Member.

City Attorney Mantzaris stated Section 23.1 Execution of Legal Instruments is antiquated and recommended deletion of the section from the charter.

Committee Member Purvis expressed opposition to the deletion of the section. City Manager Gray clarified the removal of the section would allow the City Manager to execute documents approved by the Council.

City Attorney Mantzaris suggested changing the section to allow an individual designated by the City Council to execute the approved documents on behalf of the Mayor rather than removing the entire section. Committee Member Purvis expressed agreement with City Attorney Mantzaris' suggestion.

City Attorney Mantzaris stated the matter will return to the Committee for further discussion.

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City Manager Gray stated at the next meeting the Committee will finish reviewing the rest of the Charter. The public hearing will be scheduled for April 16, 2019 and the Committee will be able to discuss the input received from the public at the April 23, 2019 Charter Review Committee Meeting.

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Adjourn: With no further business, the meeting adjourned at 12:01pm.

APPROVED:

Ray SanFratello, Charter Review Committee Chairman

ATTEST:

Tracy Ackroyd Howe, City Clerk



CITY OF CLERMONT

AGENDA ITEM

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Meeting Date		
Tuesday, March 26, 2019		
Agenda Item Name		
Continue review and discussion of the City Charter		
Requested Action		
Staff Report		
Additional Analysis		
Fiscal Impact Summary		
Continue discussion and review of charter.		
Fiscal Impact	Fund Number and Description	Available Budget Amount
Exhibits Attached (copies of original agreements)		
1. City Charter City Charter.pdf		
2. O-2017-07 O-2017-07.pdf		

PART I
CHARTER*

Article I. [City Boundaries; Corporate Authority]

- Sec. 1. [City created; boundaries.]
- Sec. 2. Powers of the city.
- Sec. 3. Construction of powers.
- Sec. 4. Intergovernmental relations.
- Sec. 5. Chamber of Commerce.

Article II. [The City Council]

- Sec. 6. The Council.
- Sec. 7. Compensation.
- Sec. 8. Mayor pro tem.
- Sec. 9. General duties and powers.
- Sec. 10. Prohibitions.
- Sec. 11. Vacancies; forfeiture of office; filling of vacancies.
- Sec. 12. Resign to run.
- Sec. 13. Judge of qualifications.
- Sec. 14. City Clerk.
- Sec. 15. Finance Director.
- Sec. 16. City officers; bond.
- Sec. 17. Independent audit.
- Sec. 18. Procedure.
- Sec. 19. Reserved.
- Sec. 20. [Adoption of ordinances and resolutions.]
- Secs. 21, 22. Reserved.
- Sec. 23. Authentication and recording; codification; printing.
- Sec. 23.1. Executing legal instruments.

Article III. Nominations and Elections

- Sec. 24. City elections.
- Sec. 25. Reserved.
- Secs. 26, 27. Reserved.
- Sec. 28. Availability of list of qualified voters.

Article IV. Reserved

- Secs. 29, 30. Reserved.

Article V. City Manager

- Sec. 31. City manager—Appointment; removal; qualifications; participation by council regarding administrative services.
- Sec. 32. Same—Powers and duties.
- Sec. 33. Same—Absence or disability.
- [Sec.] 34. Same—Compensation.

***Editor's note**—Printed herein is the Charter of the City of Clermont, Florida, as adopted by Laws of Fla., ch. 67-1217. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference—Municipal home rule powers, F.S. ch. 166.

CLERMONT CODE

Article VI. Financial Procedures

- Sec. 35. Fiscal year.
- Sec. 36. Submission of budget.
- Sec. 37. Budget.
- Sec. 38. Council action on budget.
- Sec. 39. Amendments after adoption.
- Sec. 40. Transfer of appropriations.

Article VII. Reserved

- Secs. 41—54. Reserved.

Article VIII. Planning and Zoning

- Sec. 55. General powers.
- Sec. 56. Purposes of article; grant of power.
- Sec. 57. Districts.
- Sec. 58. Purposes in view.
- Sec. 59. Method of procedure.
- Sec. 60. Regulations subject to change; protest; hearings.
- Sec. 61. Reserved.
- Sec. 62. Planning and zoning commission.
- Sec. 63. Board of adjustment.

Article IX. Pensions

- Sec. 64. Pensions for employees; appropriations.

Article X. Municipal Bonds

- Sec. 65. [Generally.]

Article XI. Transitional Provisions

- Sec. 66. Officers and employees.
- Sec. 67. Departments, offices and agencies.
- Sec. 68. Pending matters.
- Sec. 69. State and municipal laws.

Articles XII—XIV. Reserved

- Secs. 70—109. Reserved.

ARTICLE I. [CITY BOUNDARIES; CORPORATE AUTHORITY]

Sec. 1. [City created; boundaries.]

The City of Clermont, Lake County, Florida heretofore created and existing under the laws of the State of Florida is hereby abolished and there is hereby established the City of Clermont, Lake County, Florida which shall have the identical territorial boundaries as the former city as set forth in Chapters 8926, Acts of 1921, § 1; Chapter 10430, Acts 1925, § 1; Chapter 12614, Acts 1927, § 1; Chapter 15672, Acts 1931, § 1; Chapter 19743, Acts of 1939, § 1; Chapter 21152, Acts 1941; Chapter 24434, § 1, Acts 1947 [as follows:]

Beginning at a point 1016 feet north and 231 feet east of the southwest (SW) corner of Section 18, Township 22 South of Range 26 East of the Tallahassee Meridian in Lake County, Florida, on the east shore of Lake Minneola, being the point where the centerline of Division Street (as shown on a copy of a map of the townsite of Clermont made by A. F. Wrotnowski, C.E., dated July 1884, recorded in Plat Book, 3, Page 5, Public Records of Lake County, Florida) intersects the shoreline of the said Lake Minneola; thence east along the centerline of Division Street to the intersection of said centerline with the eastern boundary line of Section 18, Township 22 South, Range 26 East, thence south along the eastern boundary line of said Section 18, to the northeast corner of Section 19, Township 22 South, Range 26 East, thence south along the eastern boundary line of said Section 19 to the intersection of said boundary line with the centerline of Highland Avenue, as represented and shown on the Official Map of the City of Clermont, duly recorded in Plat Book 8, Pages 17 to 23 inclusive, Public Records of Lake County, Florida. Thence south along the centerline of said Grand Highway to a point at the intersection of the northern right-of-way line of Florida State Road No. 50 and the centerline of Grand Highway, thence run east along the northern right-of-way of Highway No. 50 to a point due north of the northeast corner of Tract 24, Section 29, Township 22 South, Range 26 East, (according to the Plat of Lake Highlands) run thence south and along the eastern line of said Tract 24 and Tract 25, continue south to a point that intersects

the eastern right-of-way line of U.S. Highway 27 (State Road No. 25), thence southeasterly along said eastern right-of-way line to a point that intersects the southern line of Section 29, Township 22 South, Range 26 East; thence west along the southern line of said Section 29, Township 22 South, Range 26 East, to the southwest corner of said section, thence continue west along the southern line of Section 30, Township 22 South, Range 26 East to the water's edge of Lake Minnehaha; thence run west 10 degrees north across Lake Minnehaha to a point that is due south of a point where the north and south midsection line of Section 26, Township 22 South, Range 25 East, intersects the north shore of Lake Minnehaha, thence run due north to the last aforedescribed point, thence run westerly and northerly, a meandering line, along the north shore of Lake Minnehaha and along the east shore of Lake Palatlahaha to the east line of the Palatlahaha Canal; thence in a northeasterly direction along the eastern shore of the Palatlahaha Canal Hiawatha; thence in a northeasterly direction, a meandered line along the shore of Lake Hiawatha to a point on the shore of Lake Minneola, said point being 154 feet, more or less, south and 126 feet, more or less, east of the centerline of the south end of the county bridge across the Palatlahaha River, on the public road leading from Clermont to Groveland, which said point is 10 feet of the center of the track of the A.C.L. R.R.; thence North 75 degrees 08 minutes East 6,004 feet, more or less, to the point of beginning. (Laws of Fla., ch. 73-433, § 1)

Editor's note—The legal description of the city has been amended by the annexations adopted which are on file in the city clerk's office.

Sec. 2. Powers of the city.

The City shall have all powers possible for a city to have under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

State law reference—Municipal home rule powers, F.S. ch. 166.

Sec. 3. Construction of powers.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the

specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power[s] stated in the article.

Sec. 4. Intergovernmental relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

State law reference—Intergovernment programs, F.S. ch. 163.

Sec. 5. Chamber of Commerce.

[Editorially deleted.]

(Laws of Fla., ch. 69-959, § 2; Ord. No. 140-C, § 1(b), 10-28-1975)

Editor's note—This section authorizing the levy of a tax for supporting a chamber of commerce has been editorially deleted as all taxes must be authorized by general law, Fla. Const. art. VII, § 1(a).

ARTICLE II. [THE CITY COUNCIL]*

Sec. 6. The Council.

(a) *Composition.* There shall be a City Council composed of five (5) members to be elected by the qualified voters of the city.

(b) *Council seats.* There shall be five (5) council seats numbered 1 to 5 consecutively. Any elector of the city may qualify for any one of the said five (5) seats. The present members of the city council shall hold their seats for the term of office for which they have been elected. Seats numbered 1, 3 and 5 shall be up for election for a period of two (2) years the first Tuesday after the first Monday in November, 1984 (and every even-numbered year thereafter). Seats 2 and 4 shall be up for election the first Tuesday after the first Monday in November, 1985 (and every odd-numbered year thereafter). However, Seat number 3 shall henceforth be designated as the Mayor-Councilman's Seat, and the person elected to that seat shall serve as Mayor for his two-year term. He shall assist in developing community policies and work

with the Council to develop these policies and interpret them to the public. He shall represent the City at official functions, appoint advisory committees, coordinate their work, and maintain contact with other governmental agencies and civic groups.

(c) *Qualifications.* [Editorially deleted.]

(d) *Oath.* [Editorially deleted.]

(Laws of Fla., ch. 69-959, § 3(a), (b); Laws of Fla., ch. 73-433, § 2; Ord. No. 140-C, § 1(c)—(f), 10-28-1975/12-2-1975; Ord. No. 234-C, § 1(a), (b), 5-24-1983/12-6-1983)

Editor's note—Subsections (c) and (d) have been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). Subsection (c) is section 2-31 and subsection (d) is section 2-32 in the Code of Ordinances.

Sec. 7. Compensation.

The Council may determine the compensation of councilman by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of councilman elected at the next regular election. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(Ord. No. 140-C, § 1(g), 10-28-1975/12-2-1975)

Sec. 8. Mayor pro tem.

The Council shall, at its first regular meeting in January of each year, elect a Mayor pro tem from their number. The Mayor pro tem shall act as Mayor during the absence or disability of the Mayor.

(Ord. No. 140-C, § 1(h), 10-28-1975/12-2-1975)

Sec. 9. General duties and powers.

All powers of the city shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

*State law references—Code of ethics, F.S. § 112.311 et seq.; election code, F.S. chs. 97—106.

Sec. 10. Prohibitions.

(a) *Holding other office.* Except where authorized by law, no councilman shall hold any other city office or employment during the term for which he was elected to the Council, and no former councilman shall hold any compensated appointive city office or employment until one year after the expiration of the term for which he was elected to Council.

(b) *Appointments and removals.* Neither the Council or any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with administration.* Except for purposes of inquiry, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(d) *Reserved.*
(Laws of Fla., ch. 69-959, § 4; Ord. No. 140-C, § 1(i)—(k), 10-28-1975/12-2-1975; Ord. No. 224-C, § 1, 11-9-1982/12-7-1982)

Sec. 11. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

(b) *Forfeiture of office.* A councilman shall forfeit his office if he:

- (1) Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law,
- (2) Willfully violates any express prohibition of this Charter,
- (3) Is convicted of a crime involving moral turpitude, or

- (4) Fails to attend three consecutive regular meetings of the Council without being excused by the Council.

(c) *Filling of vacancies.*

- (1) If a vacancy for Seats 1, 2, 4 or 5 occurs within a six-month period prior to a general election, the Council shall appoint a qualified person to fill the vacancy until the general election at which time the seat will be up for election.
- (2) If a vacancy in Seats 1, 2, 4, or 5 occurs more than six (6) months prior to the next general election, the Council shall declare a special election to fill the vacancy for the balance of the term.
- (3) If a vacancy in Seat 3 occurs within a six-month period prior to a general election, the Mayor pro tem shall serve as Acting Mayor until the next general election, at which time a Mayor shall be elected for the unexpired portion of the existing term or to a full term, whichever is applicable. The Council shall elect an acting temporary Mayor pro tem from their number who shall act only so long as the Mayor pro tem is serving as Mayor. The Council shall appoint a qualified person to fill the vacant seat. That person so appointed shall serve as temporary councilman only until a Mayor is elected.
- (4) If a vacancy in Seat 3 occurs more than six (6) months prior to the next general election, the Council shall declare a special election to fill the vacancy to serve for the balance of the term. The Mayor pro tem shall serve as Acting Mayor until a mayor is elected and then will resume his duties as Mayor pro tem.

(Ord. No. 140-C, § 1(l), (m), 10-28-1975/12-2-1975)

Sec. 12. Resign to run.

No individual may qualify as a candidate for public office who holds another elective or appointive office, the term of which or any part thereof runs concurrently with the term of office for which he seeks to qualify without resigning from such office not less than ten (10) days prior to the

first day of qualifying for the office he intends to seek. Said resignation shall be effective not later than the date upon which he would assume office, if elected to the office to which he seeks to qualify, the expiration date of the term of the office which he presently holds, or the general election day at which his successor is elected, whichever occurs earliest. Said resignation shall create a vacancy in said office thereby permitting persons to qualify as candidates for nomination and election to that office in the same manner as if the term of such public officer were otherwise scheduled to expire.

(Ord. No. 140-C, § 1(n), 10-28-1975/12-2-1975)

State law reference—Resign to run for certain offices, F.S. § 99.012.

Sec. 13. Judge of qualifications.

The Council shall be the judge of the election and qualification of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

(Ord. No. 140-C, § 1(o), 10-28-1975/12-2-1975)

Sec. 14. City Clerk.

The City Manager shall appoint a City Clerk, subject to approval by a majority vote of the Council. The City Clerk so appointed shall act as Clerk of the City Council; shall take minutes of all regular and special council meetings; shall give notice as required by this Charter of all council meetings; shall keep a record of all ordinances and resolutions; shall perform whatever other duties assigned to him by the City Council. The City Manager shall have the authority to appoint Deputy Clerks.

(Ord. No. 140-C, § 1(p), 10-28-1975/12-2-1975)

Sec. 15. Finance Director.

The City Manager shall appoint a Finance Director, subject to approval by a majority vote of the Council. The Finance Director shall assist the City Manager in the general accounting and financial affairs of the City.

(Laws of Fla., ch. 73-433, § 3; Ord. No. 140-C, § 1(q), 10-28-1975/12-2-1975)

Sec. 16. City officers; bond.

The City Manager and the City Clerk (and any City officers and employees that the Council deems necessary), shall be required to give such bond as the Council may prescribe at the City's expense.

(Ord. No. 140-C, § 1(r), 10-28-1975/12-2-1975)

Sec. 17. Independent audit.

The Council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

(Ord. No. 140-C, § 1(s), 10-28-1975/12-2-1975)

State law reference—Annual audit required, F.S. §§ 166.241, 218.32 et seq.

Sec. 18. Procedure.

(a) *Meetings*. [Editorially deleted.]

(b) *Rules and journal*. [Editorially deleted.]

(c) *Voting*. Voting shall be by voice vote on all matters except ordinances or upon call of any member of the Council in which case the vote will be by roll call. Councilmen may request that the minutes reflect the reasons they voted a certain way.

(Ord. No. 140-C, § 1(t), 10-28-1975/12-2-1975)

Editor's note—Subsections (a) and (b) of this section has been editorially transferred to the Code of Ordinances as

certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). Subsection (a) is section 2-34 and subsection (b) is section 2-35 in the Code of Ordinances.

Sec. 19. Reserved.

Editor's note—Ord. No. 140-C, § 1(u), enacted October 28, 1975, and by referendum on December 2, 1975, provided that § 19 be "Reserved." Such section pertained to actions requiring an ordinance and was derived from Laws of Fla., ch. 67-1217, art. II, § 14.

Sec. 20. [Adoption of ordinances and resolutions.]

(a) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act, section, subsection, or paragraph of a section or subsection.

(b) (1) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, at least fourteen (14) days prior to adoption, be published once in a newspaper of general circulation in the municipality. The notice of proposed ordinance shall state the date, time, and place of the meeting, the title or titles of proposed ordinances and the place or places within the municipality where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(2) The City Council with a two-thirds ($\frac{2}{3}$) vote may enact an emergency ordinance without complying with the requirements of paragraph (1) of this subsection. Such emergency ordinance shall be introduced in writing and shall be effective only for a period of sixty (60) days, at which time it will automatically be repealed.

(c) The majority of the members of the Council shall constitute a quorum. The affirmative vote of the majority of a quorum present shall be necessary to enact any ordinance or adopt any resolution; provided that a two-thirds ($\frac{2}{3}$) vote of the members of the Council is required to enact an emergency ordinance. On final passage, the vote of each member of the Council voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the Council shall become effective ten (10) days after passage or as otherwise provided therein.

(d) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose, and shall be signed by the presiding officer and the Clerk of the Council.

(Laws of Fla., ch. 73-433, § 1; Ord. No. 140-C, § 1(v), 10-28-1975/12-2-1975)

State law reference—Minimum mandatory procedure for adoption of ordinances and resolutions, F.S. § 166.041.

Secs. 21, 22. Reserved.

Editor's note—Ord. No. 140-C, § 1(w), (x), enacted October 28, 1975, provided that §§ 21 and 22 be "Reserved." Said sections pertained to emergency ordinances and the adoption of codes of technical regulation, and were derived from Laws of Fla., ch. 67-1217, art. II, §§ 16, 17.

Sec. 23. Authentication and recording; codification; printing.

(a) *Authentication and recording.* The City Clerk or Finance Director shall authenticate by his signature and record in full a properly indexed book kept for that purpose all ordinances and resolutions adopted by the Council.

(b) *General ordinances codification.* General ordinances shall be codified within one year after adoption. This provision shall not apply to special, miscellaneous or emergency ordinances.

(c) *Printing of ordinances and resolutions.* [Editorially deleted.]

(Ord. No. 140-C, § 1(y), (z), 10-28-1975/12-2-1975)

Sec. 23.1. Executing legal instruments.

All deeds, leases, easements, contracts, or any other legal instruments authorized by the Council shall be signed by the mayor and attested to by the City Clerk.

(Laws of Fla., ch. 69-959, § 5)

ARTICLE III. NOMINATIONS AND ELECTIONS*

Sec. 24. City elections.

(a) *Regular elections.* The regular city election shall be held on the first Tuesday after the first Monday in November of each year.

(b) *Qualified voters.* All citizens qualified by the constitution and laws of the State of Florida to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified voters of the city within the meaning of this Charter.

(c) [*Held according to state election laws.*] Elections shall be held in accordance with the general election laws of the State of Florida.

(Laws of Fla., ch. 69-959, § 6; Ord. No. 140-C, § 1(aa), 10-28-1975/12-2-1975; Ord. No. 234-C, § 1(c), 5-24-1983/12-6-1983; Ord. No. 274-C, § 2, 6-9-1992)

Sec. 25. Reserved.

Editor's note—Ord. No. 324-C, § 3, adopted May 13, 2003, repealed § 25 in its entirety, which pertained to primary elections and derived from Ord. No. 234-C, § 1(d), adopted May 24, 1983 (effective December 6, 1983), and Ord. No. 274-C, § 3, adopted June 9, 1992. The issue of primary elections is addressed in § 26-7.

Secs. 26, 27. Reserved.

Editor's note—Ord. No. 140-C, § 1(bb), (cc), enacted October 28, 1975, provided that §§ 26, 27, relative to ballots for ordinances and charter amendments and voting machines, be "Reserved." These sections were derived from Laws of Fla., ch. 67-1217, Art. III, §§ 3, 4.

Sec. 28. Availability of list of qualified voters.

[Editorially deleted.]

Editor's note—This section which has not been amended by referendum after July 1, 1973, and which is not extraterritorial powers has been editorially deleted as unnecessary as contained in F.S. § 99.095.

*State law reference—Florida election code, F.S. chs. 97—106.

ARTICLE IV. RESERVED†

Secs. 29, 30. Reserved.

ARTICLE V. CITY MANAGER

Sec. 31. City manager—Appointment; removal; qualifications; participation by council regarding administrative services.

(a) The Council shall appoint as an officer of the city, a person who shall have the title of "City Manager" and shall have the powers and perform the duties provided in this chapter [Charter]. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

(b) The Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the council shall by majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing before the council which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty but shall in any case cause to be paid him forthwith any unpaid balance of his salary for the next one (1) calendar month following adoption of the final resolution.

(c) Neither the Council nor any of its members shall direct or request the appointment of any person to or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal

†**Editor's note**—Ord. No. 153-C, § 3, enacted August 10, 1976, as approved by the Chief Justice of the Supreme Court of Florida August 17, 1976, repealed former Art. IV, § 29, pertaining to the municipal court and derived from Laws of Fla., ch. 67-1217, Art. IV, § 1; Laws of Fla., ch. 74-433, § 5 and Ord. No. 140-C, § 1(dd), enacted October 28, 1975.

of officers or employees in the administrative service of the City, except as otherwise provided. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall constitute grounds for recall.

(d) The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of this office as hereinafter set forth.

(Ord. No. 140-C, § 1(ee), 10-28-1975/12-2-1975; Ord. No. 288-C, § 1, 6-23-1998)

Sec. 32. Same—Powers and duties.

(a) The City Manager shall be chief executive officer and the head of the administrative branch of the city government. He shall be responsible to the council for the proper administration of all affairs of the city and to that end, he shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the City, remove all officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office, to appoint and remove subordinates in such department or office;
- (2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;
- (3) Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;
- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable;

- (5) To attend all meetings of the City Council and of its committees and keep the council advised of the activities of his office, with the right to take part in the discussions but without having a vote;
- (6) To perform such other duties as may be prescribed under this Charter or as may be required by him by ordinance or resolution of the City Council;
- (7) The City Manager may appoint a qualified person as purchasing agent, subject to approval of the Council, by whom all purchases of supplies shall be made subject to the rules and regulations to be prescribed by the Council and he shall approve all vouchers for the payment of same. In the capacity of purchasing agent he shall also conduct all sales of personal property which the Council may authorize to be sold as having become unnecessary or unfit for the city's use. All purchases, sales and contracts shall conform to such regulations as the City Council may from time to time prescribe;
- (8) Fix the salary of officers and employees according to the wage schedule approved by the City Council.

(b) The City Manager shall manage and control all City owned public utilities operated and managed by the municipality and the office of the City Manager shall be charged with the management and operation of all public works, charitable and correctional institutions and agencies of the City; subject to regulations prescribed by ordinance, and regulations relative to the preservation and promotion of public health; and manage or inspect water, lighting, power and transportation enterprises of the City; shall manage and control the use, construction, improvement, repair and maintenance facilities of the City, including parks, playgrounds and public gymnasiums, and social centers. He shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided in this Charter.

(Laws of Fla., ch. 73-433, § 7; Ord. No. 140-C, § 1(ff)—(ii), 10-28-1975/12-2-1975)

Sec. 33. Same—Absence or disability.

To perform his duties during his temporary absence or disability, the manager may designate by letter filed with the City Clerk and Mayor a qualified administrative officer of the City as acting City Manager; provided, however, the appointment shall not be for a period longer than thirty (30) days. In the event of failure of the manager to make such designation, or in the event the City Manager is absent or disabled for a period longer than thirty (30) days, the Council shall appoint a qualified person as acting City Manager.

(Ord. No. 140-C, § 1(jj), 10-28-1975/12-2-1975)

[Sec.] 34. Same—Compensation.

[Editorially deleted.]

Editor's note—This section has been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). This section is section 2-127 in the Code of Ordinances.

ARTICLE VI. FINANCIAL PROCEDURES***Sec. 35. Fiscal year.**

[Editorially deleted.]

Editor's note—This section on the fiscal year has been editorially deleted as superseded by the mandatory fiscal year in state law.

State law reference—Fiscal year, F.S. § 166.241.

Sec. 36. Submission of budget.

On or before the 31st day of August of each year, the Manager shall submit to the Council a budget for the ensuing fiscal year.

(Ord. No. 140-C, § 1(kk), 10-28-1975/12-2-1975)

Sec. 37. Budget.

[Editorially deleted.]

Editor's note—This section which has not been amended by referendum after July 1, 1973, and which is not extrateritorial powers has been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

***State law references**—Finance and taxation, F.S. § 166.101 et seq.; financial matters, F.S. ch. 218.

Sec. 38. Council action on budget.

(a) *Amendment before adoption.* The Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(b) *Adoption.* [Editorially deleted.]

(Ord. No. 140-C, § 1(ll), 10-28-1975/12-2-1975)

Editor's note—This subsection which has not been amended by referendum after July 1, 1973, and which is not extrateritorial powers has been editorially deleted as superseded by the mandatory procedure in state law for adoption of the budget.

Sec. 39. Amendments after adoption.

(a) *Supplemental appropriations.* [Editorially deleted.]

(b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 20(b)(2) to the extent that there are no available unappropriated revenues to meet such appropriations, the Council may be [by] such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) *Reduction of appropriations.* [Editorially deleted.]

(Ord. No. 140-C, § 1(mm), 10-28-1975/12-2-1975)

Editor's note—Subsections (a) and (c) have been editorially transferred to the Code of Ordinances as certain provisions of a Charter adopted prior to July 1, 1973, and not subsequently amended by referendum have been converted to ordinances by operation of F.S. § 166.021(5). Subsection (a) is section 2-126(a) and subsection (c) is section 2-126(b) in the Code of Ordinances.

Sec. 40. Transfer of appropriations.

(a) *[Upon written request.]* At any time during the fiscal year the Finance Director with authorization of the City Manager may transfer all or part of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the City Manager, the City Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another department, office or agency.

(b) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(c) *Payments and obligations prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation unless the Finance Director certified that there are sufficient funds available to cover the claim or meet the obligation when it becomes due and payable. (Ord. No. 140-C, § 1(nn)—(pp), 10-28-1975/12-2-1975)

ARTICLE VII. RESERVED*

Secs. 41—54. Reserved.

ARTICLE VIII. PLANNING AND ZONING†

Sec. 55. General powers.

[Editorially deleted.]

Editor's note—This section which has not been amended by referendum after July 1, 1973, and which is not extraterritorial powers has been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

***Editor's note**—Laws of Fla., ch. 73-433, § 8, repealed Sp. Acts, Ch. 67-1217, Art. VII, §§ 1—14, compiled herein as Art. VII, §§ 41—54.

†**State law references**—Planning and development, F.S. ch. 186 et seq.; Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.

Sec. 56. Purposes of article; grant of power.

[Editorially deleted.]

Editor's note—This section which has not been amended by referendum after July 1, 1973, and which is not an extraterritorial power has been editorially deleted as unnecessary as home rule powers of a municipality are derived from the constitution and F.S. ch. 166.

Sec. 57. Districts.

For any or all of said purposes the City Council may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purpose of this article; and with such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. (Ord. No. 140-C, § 1(qq), 10-28-1975/12-2-1975)

Sec. 58. Purposes in view.

[Editorially deleted.]

Editor's note—This section has been editorially deleted as superseded by the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.

Sec. 59. Method of procedure.

The City Council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fourteen (14) days' notice of the time and place of such hearing shall be published in an official newspaper, or a paper of general circulation in such municipality. (Ord. No. 140-C, § 1(rr), 10-28-1975/12-2-1975)

Sec. 60. Regulations subject to change; protest; hearings.

[Editorially deleted.]

Editor's note—This section has been editorially deleted as superseded by the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq.

Sec. 61. Reserved.

Editor's note—In codifying the city's new Charter the section number 61 was not used and has therefore been reserved by the editor to maintain sequence.

Sec. 62. Planning and zoning commission.

The City Council shall appoint a Planning and Zoning Commission.

(Laws of Fla., ch. 73-433, § 9; Ord. No. 140-C, § 1(ss), 10-28-1975/12-2-1975)

Sec. 63. Board of adjustment.

The City Council shall appoint a Board of Adjustment.

(Ord. No. 140-C, § 1(tt), 10-28-1975/12-2-1975)

ARTICLE IX. PENSIONS**Sec. 64. Pensions for employees; appropriations.**

(a) The City Council shall have power to provide for relief or pension of persons in the employ of the City and to adopt such ordinances as may be necessary to carry this action into effect.

(b) In furtherance of such object, and without intending to limit it by these specifications, the Council may adopt such pension plan as it deems suited to the interest of the City and the employees, may make contributions of public monies to such pension plan on such terms and conditions as the Council may see fit, and may make rules and regulations for the management, investment and administration of such plan. Such plan may consist of a pension fund or funds operated by the City or administered by a trustee under a deed of trust, or of contracts of insurance of annuities, including deposit administrations group annuity contracts, with any insurance company authorized to transact business in this state, or a combination thereof, and for any or all of such purposes the City may appropriate out of its treasury any money necessary to pay premiums or charges incident to the maintenance of such funds or the carrying of such policies or contracts.

(c) All previously established pension funds created under any prior pension ordinance, not inconsistent with this section, are hereby affirmed, approved and ratified.

(Ord. No. 140-C, § 1(uu)—(ww), 10-28-1975/12-2-1975)

ARTICLE X. MUNICIPAL BONDS***Sec. 65. [Generally.]**

The City may issue bonds, revenue bonds, certificates of indebtedness and other obligations for such purposes and in such manner as may be provided by resolution of the City Council in the manner provided by law.

(Ord. No. 140-C, § 1(xx), 10-28-1975/12-2-1975)

Editor's note—Prior to amendment by Ord. No. 140-C, § 1(xx), § 65 pertained to personal financial interest of officers and was derived from Laws of Fla., ch. 67-1217, art. X, § 1.

ARTICLE XI. TRANSITIONAL PROVISIONS**Sec. 66. Officers and employees.**

(a) *Rights and privileges preserved.* Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) *Continuance of office or employment.* Except as specifically provided by this Charter, if at the time this Charter takes full effect a city administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

Sec. 67. Departments, offices and agencies.

(a) *Transfer of powers.* If a city department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office or agency

*State law reference—Municipal borrowing, F.S. § 166.101 et seq.

designated in this Charter or, if the Charter makes no provision, designated by the City Council.

(b) *Property and records.* All property, records, and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the council in accordance with this Charter.

Sec. 68. Pending matters.

All rights, claims, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this Charter.

Sec. 69. State and municipal laws.

(a) *In general.* All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and Laws of the State of Florida permit, all laws relating to or effecting this city or its agencies, officer or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

ARTICLES XII—XIV. RESERVED*

Secs. 70—109. Reserved.

***Editor's note**—Ord. No. 224-C, § 1(A)—(C), adopted November 9, 1982, and approved by the electorate at a referendum held December 7, 1982, provided for the repeal of Arts. XII—XIV of the Charter. Prior to such repeal, Art. XII, §§ 70—76, had pertained to general bonds as derived from Ch. 8926, §§ 65—71, Acts 1921; Sp. Acts 1967, H.B. No. 2223, Art. XII, § 1. Art. XIII, §§ 77—104, had pertained to reserve bonds

as derived from Ch. 30660, §§ 1—28, Acts 1955; Sp. Acts 1967, H.B. No. 2223, Art. XII, § 1. Art. XIV, §§ 105—109, had pertained to the bond-financial committee as derived from Ch. 10432, §§ 39—45, Acts 1925; Sp. Acts 1967, H.B. No. 2223, Art. XII, § 1.

CITY OF CLERMONT
ORDINANCE No. 2017-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE II "CITY COUNCIL", SECTION 2-33, "COMPENSATION OF MAYOR AND COUNCILMEMBERS", PROVIDING THAT EFFECTIVE JANUARY 1, 2019, COMPENSATION FOR THE MAYOR AND COUNCIL SHALL BE \$650 PER MONTH AND \$550 PER MONTH, RESPECTFULLY, AND SHALL BE AUTOMATICALLY ADJUSTED ANNUALLY THEREAFTER BY THE CONSUMER PRICE INDEX; PROVIDING FOR PUBLICATION, CODIFICATION, SEVERABILITY, CONFLICT, AND EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clermont, Lake County, Florida, as follows:

Section 1.

Chapter 2 "Administration ", Article II, "City Council", Section 2-33, "Compensation of Mayor and Council Members" is hereby amended to read as follows (strikethrough depicts deleted language and underlined added):

Sec. 2-33, Compensation of mayor and councilmembers.

- (a) The Mayor shall receive compensation or a salary of \$400.00 per month. Reasonable expenses incurred in the performance of the duties of this office shall be paid by the City. Effective January 1, 2019 the mayor shall receive compensation or a salary of \$650.00 per month.
- (b) The City Council Members shall receive compensation or salary of \$300.00 per month. Reasonable expenses incurred in the performance of the duties of this office shall be paid by the City. Effective January 1, 2019 the Council Members shall receive compensation or a salary of \$550.00 per month.
- (c) Effective January 1, 2020 and annually each year thereafter the compensation or salary for the Mayor and Council Members shall be adjusted by the applicable Consumer Price Index for All Urban Customers, U.S. City Average, published by the Bureau of Labor Statistics of the United States Department of Labor as of January 1.

CITY OF CLERMONT
ORDINANCE No. 2017-07

Section 2. Codification.

The text of Section 1 of this Ordinance shall be codified as a part of the Clermont City Code. The codifier is authorized to make editorial changes not effecting the substance of this ordinance by the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise to take such editorial license.

Section 3. Severability.

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Conflict.

Any portion of the Code of Ordinances, City of Clermont, Florida or any ordinance or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

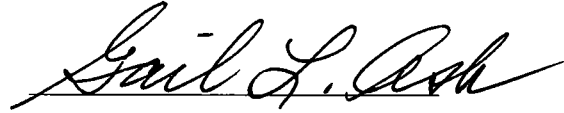
Section 5. Effective Date.

This Ordinance shall be published as provided by law and shall take effect after Second Reading and Final Passage.

CITY OF CLERMONT
ORDINANCE No. 2017-07

PASSED AND ORDAINED BY the City Council of the City of Clermont, Lake County,
Florida on this 14th day of February, 2017.

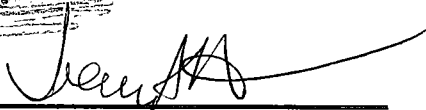
CITY OF CLERMONT



Gail L. Ash, Mayor

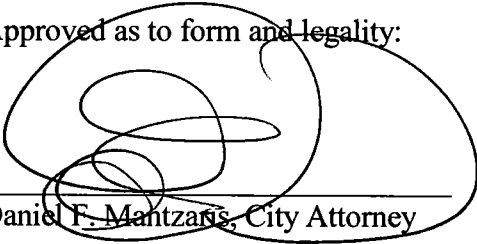


Attest:



Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:



Daniel F. Mantzaris, City Attorney

Suggestions For Public Input

Topics	Suggestions to Public
Residency	1.) Establish a 1 year requirement
	2.) Establish a 2 year requirement
Terms	1.) Remain the same at 2-year terms
	2.) Change to 4-year terms
Term Limits	1.) Remain the same with no term limits
	2.) Change to implement term limits
Districts	1.) Districts
	2.) No Districts
Vacancy	1.) Remain the same
	2.) Change from 6 months to 12 months
	3.) Change to 24 months for a 4-year term

Topics For Committee's Consideration

1.) Consider adding language to the effect of requiring a public hearing in the event of a vacancy on the Council for the public to provide input on whether to hold a Special Election to fill the vacancy or to forego the special election and have the Council choose an individual to serve.

2.) Suggestion of Ordinance to the Council to mandate a requirement for arbitration in the event of a forced removal of a Council Member.

3.) Adding language to allow for a designated individual to execute approved City documents on behalf of the Mayor and Council (Section 23.1).

4.) Meeting with Council at the May Council workshop to review proposed charter changes.
